

Done



Jim Troupis



call



video



mail



info

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Jesse Watters...



Jonathan Turley

twitter.com



Timeline: False Alternate Slat...

justsecurity.org



iMessage
Nov 11, 2020, 10:20 AM

Let's talk when you have a moment. Jim T

Now is good, Jim

Nov 11, 2020, 2:53 PM

Hi, just emailed you. No rush in getting back to me, but I did a memo, which I hope I can get to you securely. Either Google Drive or Dropbox?

Call for password

Nov 15, 2020, 9:39 PM

Jim, I just sent around input on the petition. I noticed you're not on email list (Bierce, Olson, Hitt, Justice Kelly). If you don't have it and need it, let me know.

Subject

Text Message





We are just now printing final version for POTUS signature. Which petition are you referring to?

Oh, for WI Sup Ct review. Apparently not urgent.

I am headed to Washington in AM to brief White House. More and more it looks like a go in Wisconsin

Great to hear. I saw Ken Starr on Fox today re the reluctance of Republican state legislators to actually award electoral votes to Trump-Pence. I have some thoughts about how the legislators might at least make findings that Trump supporters in the Jan 6 joint session could rely on to cast doubt on the validity of electoral votes cast for Biden. I also have some thoughts about how Trump can reduce the sense that the

Subject

Text Message



for Biden. I also have some thoughts about how Trump can reduce the sense that the contests must be decided by Dec 8 or 14. Probably some leading minds nationally are pursuing such points, but I can put together a menu for you if it seems worthwhile.



"How curious that, as @Peoples_Pundit notes, 'Trump won the largest non-white vote share for a R pres candidate in 60 yrs. Biden underperformed HRC in every major metro area around the country, save for Milwaukee, Detroit, Atlanta & Philadelphia.'"

Subject

Text Message





Jim >




Detroit, Atlanta & Philadelphia.'" <https://t.co/WXcZA0jfzw>

 **Benjamin Weingarten**
twitter.com

Nov 18, 2020, 3:41 PM

Jim, Trump's tweet leads me to ask: are we articulating due process and equal-protection objections to our being barred from having observers within a few feet of the poll workers during both the initial count and recount?

THEY WOULD'NT LET REPUBLICAN POLL WATCHERS INTO THE COUNTING ROOMS. UNCONSTITUTIONAL!!!

 **Donald J. Trump**
twitter.com

The beauty of a procedural due process objection is one

Subject

Text Message



The beauty of a procedural due process objection is one needn't prove it changed the result

Seems to me that Dane County clerk mixing in bad ballots with good, to thwart an effective remedy, also is a procedural dp problem

Let me know if I should finalize memo on real deadline. I think we should be sure national lawyers are aware of these points.

Yes on memo. Make appropriate changes knowing that it goes to a wider audience.

But ok for it to stay styled as memo from me to you, focusing on Wi? That way we don't claim that it's any big deal.

Subject

Text Message



10:33 ↗



< 240



Jim >



Nov 18, 2020, 5:23 PM

On the memo, I'm adding a colorful conclusion re Ron Klain's candid admission, in a 2002 essay, that the Gore recount team erred by adopting first Dec 18, then Dec 12, as the deadlines. Noting that to emphasize the importance of the Trump campaign not making the same mistake, and creating maximum room for this to play out.

Nov 18, 2020, 9:44 PM

Ken, I think the Dane County clerk may have distributed ballots and ballot envelopes without a request. So tonight they are trying to change the reprint rules so we can not see the applications. This feels criminal to me. Could you do a quick check and let me know

Subject

Text Message



criminal to me. Could you do a quick check and let me know your thoughts? Jim

I saw Trump's RT of Hite on that

Several quick thoughts

1. Substantively, doesn't this backfire? Our position is that under WI statute, an absentee ballot can be counted only if there is an accompanying application, which must be retained for 22 months — notwithstanding the recount manual saying all ballots should be counted, cuz ya wouldn't want to "disenfranchise" a voter cuz one got misplaced! Lol

So if they don't show you *any* applications for absentee ballots, they're worse off, right? Now is the time for them to put

Subject

Text Message



So if they don't show you *any* applications for absentee ballots, they're worse off, right? Now is the time for them to put up or shut up under WI law. They can change whatever procedure they want, but if they don't produce applications now, the record will contain none, and the accompanying ballots will be thrown out by a court, without them having an opportunity to provide them later, right!

In other words, the burden isn't on us to convince them, or a court, to produce applications. The burden is on the clerks to prove the # of applications they have on file, or else suffer a massive draw down.

Yes I agree. That is why I am wondering why they took this gamble. It's a foolish act unless they really are hiding

Subject

Text Message



gamble. It's a foolish act unless they really are hiding something big.

What is the end game?

Put simply, on a recount, they can't count absentee votes unless there are a matching number of *valid* applications — and validity can only be verified by examining the applications, which the campaign has a right to do. You've made your record by showing they didn't produce applications.

Before I get to #2 and 3, does WEC have to go through admin rulemaking procedures to change the recount menudo? Maybe ask Justice Kelly about that

This is smart of WEC staff if in fact they're 60,000

applications short of Trump

Subject

Text Message



This is smart of WEC staff if in fact they're 60,000 applications short, so Trump would win. Come up with a bogus excuse that maybe a court will buy, and at least try to run out the clock before Dec 8, thinking a court might view that as the deadline. Anything but let Trump win.

Maybe their view is applications aren't relevant, given their earlier guidance, do to streamline the recount they'll only show them if the court orders it.

Just strikes me that legally, burden isn't on us to rush to court and force them to show applications (which would slow down recount, maybe their aim). If we object for the record, best case is reviewing court disallows all the absentee ballots permanently; worst

Subject

Text Message



court disallows all the absentee ballots permanently; worst case is (provided it buys our statutory argument) is it disallows them temporarily, and remands to let the clerk try to cure.

#2 idea is that if WEC changes recount procedures after Nov 3, it might deprive Biden of the "safe harbor" protection of 3 USC Sect. 5, if Biden is certified as the winner by Dec. 8. That certification can be conclusive on Congress only the election controversy is settled "by judicial or other methods or procedures" that existed before Nov. 3.

If they hide all the applications and certify for Biden under these new, nefarious rules, that might give the Senate Republicans the excuse to reject the electoral votes,

Subject

Text Message





Republicans the excuse to reject the electoral votes, referencing Sect. 5.

3rd and final thought: procedural due process. Might Trump and Pence be deemed to have a "property" interest, under WI law, in the chance to win the 10 electoral votes, in the manner prescribed by WI positive law? ("Property" isn't just stuff; it can be created by state law). If do, perhaps they are being deprived of property without procedural due process due to lack of notice and an opportunity to be heard about any recount changes. Arguably, having relied on the recount manual in deciding to pay 3 million to recount, they urge a reliance-based property right not to have those procedures changed after they committed to a recall.

Subject

Text Message





I concur they must be hiding something, so that a is an encouraging sign that you are onto something!!

I just emailed you these texts, to make it easy to circulate if you want.

I guess consider tipping off Vicki and Dan O'Donnell to this insanity? And I guess Weber and Belling? Mostly to maximize the chance that SCOW justices hear about this quickly and prejudge the case?
🤔

It's a big story on Fox tonight.

Wow! Thx for letting me know.

If they're gonna lose anyway due to the rabbit you pulled out of the hat, they'd been better off going by the book — doing this taints Dem election

Subject

Text Message



off going by the book — doing this taints Dem election officials nationwide. You are at the center of the storm!

Nov 19, 2020, 12:30 PM

While the U.S. Supreme Court has repeatedly held—most recently in *Chiafalo v. Washington*, 140 S. Ct. 2316 (2020)—that U.S. Const. art. II, § 1, cl. 2 confers upon state legislatures the “broadest power of determination” with respect to the manner of appointment of presidential electors, that power is couched in the lawmaking process. A state legislature may reserve to itself by law the authority to appoint the state’s presidential electors, and several states did just that for a number of years following ratification of the U.S. Constitution. Conversely, a state legislature may, again by law, give the people of the state the power to appoint presidential electors at an election, as is the case now in Wisconsin and every other state.

However, if, as in Wisconsin, state law gives the people of the state the power to appoint presidential electors at an election, the legislature has no unilateral authority to reverse the choice of the people of the state. While it is true that the state legislature, “after granting the franchise in the special context of Article II, can take back the power to appoint electors” (*Bush v. Gore*, 531 U.S. 98, 104 (2000)), once the state legislature gives the people the franchise with respect to the appointment of presidential electors, equal protection rules governing the right to vote apply, especially the rule of one person, one vote. As a result, the state legislature may not arbitrarily reverse or otherwise interfere with the choice of the people of the state at a presidential election. The U.S. Supreme Court spoke to this point directly in *Bush v. Gore*:

When the state legislature vests the right to vote for President in its people, the right to vote as the legislature has prescribed is fundamental; and one source of its fundamental nature lies in the equal weight accorded to each vote and the equal dignity owed to each voter. . . . The right to vote is protected in more than the initial allocation of the franchise. Equal protection applies as well to the manner of its exercise. Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person’s vote over that of another. See, e.g., *Harper v. Virginia Bd. of Elections*, 383 U.S. 663, 665, 16 L. Ed. 2d 169, 86 S. Ct. 1079 (1966) (“Once the franchise is granted to the electorate, lines may not be drawn which are inconsistent with the Equal Protection Clause of the Fourteenth Amendment.”).

Id. at 104–05.

In summary, while the legislature has broad power under the U.S. Constitution to determine by law the manner of appointment of the state’s presidential electors, because the Wisconsin Legislature, by statute, has given the people of the state the power to elect presidential electors at the presidential election, the legislature has no power to affect the selection or actions of presidential electors after the election.

I hope this information is helpful. Please let me know if the LRB can provide any additional assistance.

Richard A. Champagne, Chief
Legal 608.504.5801 • Research 608.504.5802

One East Main Street, Suite 200
Madison, WI 53703 • <http://legis.wisconsin.gov/>

MEMORANDUM

TO: Speaker Robin Vos
FROM: Michael Gallagher, senior coordinating attorney
DATE: November 16, 2020
SUBJECT: Presidential electors

You have asked whether the legislature, after a presidential election, may affect the selection or actions of the state’s presidential electors. For the reasons discussed in this memorandum, the legislature may determine the manner of selection of presidential electors but may not affect the selection or actions of presidential electors after the election.

Discussion

The appointment of Wisconsin’s presidential electors is governed by statute, and the Wisconsin State Legislature has no current statutory role in the appointment and certification of the state’s presidential electors following a presidential election. Additionally, as further discussed below, because Wisconsin law vests the power to appoint presidential electors in the people of the state at a presidential election, the equal protection clause of the Fourteenth Amendment to the U.S. Constitution would prevent any government entity or official from interfering with a duly elected presidential elector’s legitimate exercise of his or her statutory duties with respect to voting for a presidential and vice presidential candidate.

Article II, section 1, clause 2 of the U.S. Constitution requires each state to appoint presidential electors “in such manner as the legislature thereof may direct.” In Wisconsin, the legislature has directed that presidential electors be appointed by a vote of the people at the presidential election. Under Wis. Stat. § 5.10, a vote for the candidates for president and vice president named on the ballot is a vote for those candidates’ electors. After the presidential election, the Wisconsin Elections Commission must certify the slate of presidential electors of the presidential and vice presidential candidates winning the election (Wis. Stat. § 7.70 (5) (b)). Wisconsin is a “winner-take-all” state. Under Wis. Stat. § 7.52 (2), when the state’s presidential electors convene, they are generally required to “vote by ballot for that person for president and that person for vice president who are, respectively, the candidates of the political party which nominated them.” Under current law, the state legislature has no role in this process.



Please see this memo. Does it change your analysis

Subject

Text Message

↑



Please see this memo. Does it change your analysis

Text Message

There are holes in this argument. Judge Posner wrote a book on Bush v Gore that helps us here. I can do a memo after call.

Key is memo ignores 3 USC 2: "Whenever any State has held and election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct."

If court proceedings are ongoing on Dec 12 and no vote has been certified, no choice was made on Nov 3 -- and the legislature can then pick the

Subject

Text Message



was made on Nov 3 -- and the legislature can then pick the Trump slate, as the Florida legislature was prepared to do in 2000.

I mean Dec 8, this year

iMessage

Why not insist on pulling a sample of 100 "indefinitely confined" voters in each county, and then send people to interview all 200 to come up with a rough % of those votes that have to be drawn down? That sampling might convince a court of massive fraud.

Jim, sounds like the Trump challenges are heating up nationally. Maybe forward to Reince or others my memo on Jan 6 being the real deadline? Best to be sure no Trump lawyers or spokespeople make the mistake Klein and Reince

Subject

Text Message





Jim >



Best to be sure no Trump lawyers or spokespeople make the mistake Klain and Boies made in 2000, citing an earlier date, which proved fatal (see new, last 2 pages of my memo).

Nov 19, 2020, 3:02 PM

Rudy in his press conference, in answering a question, said a federal court lawsuit will follow the recount. Maybe make sure he's corrected.

Nov 22, 2020, 9:02 AM

Powerful:



Subject

Text Message





Jim >



Democrats Are Reaping Fruit Of Years Of Anti-Trump Conspiracy Theories

thefederalist.com



Michigan AG Nessel and others are suggesting that Republicans who oppose certification or even meet with


Subject

Text Message





Republicans who oppose certification or even meet with President Trump on the issue could be criminally investigated or charged. Once again, the media is silent on this abusive use of the criminal code.
<https://t.co/llEQ3roKsE>

 **Jonathan Turley**
twitter.com



Waiting for Sidney
amgreatness.com

Nov 22, 2020, 7:37 PM

FYI.

Subject

Text Message





FYI.

"Attorney heading up Trump campaign's Wisconsin recount effort is seeking to throw out his own vote" <https://t.co/ffl98F4viW>

 **Charlie Sykes**
twitter.com

Nov 23, 2020, 1:03 PM

Hi, sorry I missed the call — my phone said 12:30, which I assumed was central time!


Hi, I'm listening in, on mute — on noisy Amtrak train

Will you be objecting to Democracy in the Park being funded with private funds donated by rich leftists?

Nov 23, 2020, 2:44 PM



Subject

Text Message 

Nov 23, 2020, 2:44 PM

Trying to yes

Nice that some legislators have seen the count obstruction. Nicer if we could get affidavits from them in the record.

The Legislature directed that this presidential election be conducted in the normal "manner," with strict regulation of absentee balloting, and close scrutiny of the counting and recounting. It didn't alter its statutes to allow relaxation of these rules due to Covid-19.

Maybe the Legislature should have relaxed the rules due to COVID-19, but it didn't. The Dem election officials and operatives who failed to follow the usual "manner" for conducting elections therefore violated Article II.

Subject

Text Message



This is link I am referencing



What are Milwaukee County elections officials hiding?
empowerwisconsin.org

Nov 25, 2020, 11:16 AM

Jim, unless you think it's a waste of time, I plan to draft a memo, in simple question-and-answer format, arguing that the Trump campaign nationwide should push back on any idea that it needs to win in enough states by December 8 to have 270 electoral votes by then. or

Subject
Text Message ↑



states by December 8 to have 270 electoral votes by then, or at least deny Biden 270 votes by then.

Only plausible way to have time enough to win is to say Jan 6 is the deadline.

Which is legit if the Trump electors all cast their votes on Dec 14, which they don't need court or legislature authorization to do

No disruption to country by viewing Jan 6 as the deadline. Biden is getting security briefings and transition is going forward smoothly. If by Jan Trump ends up winning, the govt will go on as normal. Waiting until Jan 6 would only be a problem if the challenger were the non incumbent.

I will work up a memo unless you have a better use of my

Subject

Text Message





I will work up a memo unless you have a better use of my time. I can focus on helping the next few days as necessary—have cancelled everything else

I have much more important task. There is an 11:30 call. I will forward to you

K

Nov 25, 2020, 1:42 PM

Good call!

I sent email on Dec 14 mechanics

Video from 2016 shows what a circus Trump electors voting in public would be

Nov 27, 2020, 11:29 PM

HUGE decision issued by Commonwealth Court Judge Patricia McCullough

Subject
Text Message





Nov 27, 2020, 11:29 PM

HUGE decision issued by Commonwealth Court Judge Patricia McCullough
<https://t.co/q0vDuNXGaa>



Mark R. Levin

twitter.com

Nov 28, 2020, 10:57 AM

Jim, call-in info?

Nov 30, 2020, 2:37 PM

Does 5 business days run from yesterday, or today? Big difference.

To clarify, today the Wis Elec Com Chair will "make determination" of elect & recount - NOT A "CERTIFICATION" allowing party 5 days to file appeal of this Determination. After resolution of appeal only then

Subject

Text Message





this Determination. After resolution of appeal only then can WEC Commissioners meet to certify election. Will keep you informed!

 **Bob Spindell**
twitter.com

Nov 30, 2020, 5:56 PM

I sent you reactions to federal complaint. I think it needs to be more focused, as I sketch. Once petition is in, I recommend you skim and perhaps just forward my email as of possible use, to give them maximum time to consider, while making clear you haven't had time to study it.

Dec 1, 2020, 8:02 AM



Subject

Text Message





Dec 1, 2020, 8:02 AM



Jim, hope you're getting sleep. I know you're super close to her, but just a reminder to have someone get copies to Vicki (and I suppose Clarke, O'Keefe, Esenberg, Belling, Weber, O'Donnell). Obvious, I guess, but you are so overstretched!

Emoji was an accident. But perhaps a Freudian slip? 😏

Dec 1, 2020, 12:16 PM

Hi, Jim, I just saw you did or are doing a call.

I will wait for an update.

Dec 3, 2020, 2:52 PM

Subject
Text Message





Dec 3, 2020, 2:52 PM

Jim, I'm on a flight to nyc from 2 to 3:30 your time

I spoke with Bill Bock. He is very open to coordinating.

Dec 4, 2020, 8:59 AM

I don't have Call info

Never mind — Joe sent it

Dec 6, 2020, 1:46 PM

I just emailed the beefed up constitutional argument. Glad you suggested this!!

Dec 6, 2020, 7:19 PM

Ken resend it so I am certain it gets in.

Just did

Dec 6, 2020, 8:22 PM

Subject

Text Message



Dec 6, 2020, 9:22 PM

Thanks. I will soon get Memo and will get it in.

Jim, I am about to send you a 6-page memo on having all Trump electors in all 6 contested states vote Dec 14. I think Justin Clark should have it ASAP. Okay if I copy him on my email to you? That way you're not endorsing it — though I'm confident it's valuable input.

Dec 7, 2020, 8:25 AM

Ken Please send me yet again your additions to Laches. I fear folks in Milwaukee have badly dropped the ball.

Oh, yeah.

Just sent

You must be exhausted

Subject

Text Message



10:35 ↗



< 240



Jim >



You must be exhausted

Dec 7, 2020, 4:49 PM

Jim, can you send my Dec 6 memo to Justin Clark, or okay me sending it to Bill Bock, so he can send it to Clark and others? Messaging on Jan 6 as real date is key. Fed case has much better shot if Bill can note Jan 6 is real date.

Just emailed memo to you again

I have sent it to the White House this afternoon. The real decision makers.

Great.

I also gave it to Reince so he might talk with the President

Do the people in the WH understand how Pence could

Subject

Text Message



Do the people in the WH understand how Pence could use his position as President of the Senate to at least for a time stop the count at 12-to-0 in Trump's favor and force the Dems to face the argument that the Electoral Count Act is in at least some respects unconstitutional? I can sketch that for you in an email so you can run it by then, and then follow with a memo if warranted. I guess Pence is playing things cautiously, but there is a very defensible, technical way he could throw a wrench in the count to buy more time.

Dec 8, 2020, 8:49 AM

Wow. Given evidence that China might have been involved in rigging the election I'd love to see a debate in Jan in which this video is played.

Subject


Text Message



I'd love to see a debate in Jan in which this video is played.



<https://t.co/reenwuelHY>

 **Donald J. Trump**
twitter.com

Dec 9, 2020, 12:08 PM

Jim, maybe send draft of petition to Rudy and ask for input on Part II-C — if it's the first filing in which Trump says Jan 6 is the real deadline, best to make sure top guy feels appropriately consulted. Once filed, I think Texas should file a copy of the petition with Supreme Court, and take notice of Trump's position that

Subject

Text Message



Supreme Court, and take notice of Trump's position that it has enough time to rule without an emergency order. We need to get all the lawsuits on this timetable. Will also help convince electors that there's a point to them voting dec 14.

Dec 11, 2020, 5:45 PM

Hi, have been working all day to get the other States in line in Dec 14

Pls see email I just sent with updates on press release

I have a checklist "to do" list for the other 5 states — will do one for WI and send to you, schimming and Austin

Dec 11, 2020, 8:14 PM

Oops — I forgot to hit send on the email on press release

Subject

Text Message





Dec 11, 2020, 8:14 PM

Oops — I forgot to hit send on the email on press release

Mike Brown, with campaign, asked about WI status. I gave him Schimming's email

Hi, I just emailed you 7 documents on dec 14 electoral college vote. Also sent them to Brian and Austin

All blew up. Court wants a brief at 10 and oral arguments are noon Saturday. They will rule by Monday

Even if we lose, hope we get 3 justices to say deadline is Jan 3. And us Supreme Court should rectify this art ii violation

Jan 6

Dec 12, 2020, 1:54 PM

Subject

Text Message





Dec 12, 2020, 1:54 PM

Hi, I'm in Madison. Trying to find where everyone is!



In middle of the spm ct hearing. This is Megan. I'm sitting next to Jim. Handling the phone etc. Address is 313 west Beltline highway. Sophia emailed it to you yesterday I think. See u later!

I was just there

No way to get in front door!

Knock on the glass window to your right. Someone will let u in

I can be back in 10. K

No need to rush. Everyone's just listening at the moment

Thanks. Outside now

Subject
Text Message




Dec 12, 2020, 11:49 PM



Dec 13, 2020, 4:27 PM

Hi, I'm at hotel working on a memo for Rudy on endgame in Congress. Everyone at HQ? I will probably get there about 6. Ok to bring my friend Aziza? She's fine staying here; no problem.

For now I am at home enjoying Scalia Speaks, a marvelous collection of his speeches. Thought it would be an appropriate book while we await a decision.

Subject
Text Message 



Cool!

I was on Law Review with Ed Whelan, who I think helped put it together

Scalia would rule for you in identical circumstances even if you were arguing for Biden.

Will tell you a funny story of how I met him while he was still on dc cir

Could u give me Brian's #? I accidentally deleted it

Also Jefferson's

Mark Jefferson
Republican Pa...

MJ >

Brian Schimming
Midwest Strateg...

BS >

Thx

Dec 13, 2020, 9:53 PM

Subject

Text Message





Dec 13, 2020, 9:53 PM

Any idea if a decision tonight?

No. About to leave.

Is everything under control for tomorrow electors vote?

Yes — I told Mark it was fine if he and Hitt want to leave me out, but I'm going. One plus is no one would recognize me; they want to be low profile. Mark might not go for that reason. Only 10 electors and 2-3 others.

Other states are all fine. I fielded questions from pa, az and ga

Good. Just want to be sure we preserve our options here without regard to what Wi S Crt rules.

Yes, exactly.

Subject

Text Message





Yes, exactly.

Pretty clear national people realize this wouldn't be happening if you and reince and others hadn't pushed it!

Dec 14, 2020, 12:25 PM

They won't let electors in the capital building

DOA is keeping out everyone but the Biden electors. Not even staff can get in. Apparently plan is to do it outside. Maybe you or Schimming or someone else wants to come over.

They're just doing it outside — no big deal. Apparently on west side. They seem to have it covered.

WI meeting of the *real* electors is a go!!!

Subject

Text Message





I will email video later

Are people at headquarters?

I'm here with Hitt if you want to talk

All went fine — was done by 12:15

Need you here Ken to discuss S Crt possibility

K

Mark Jefferson said a Ron

Subject
Text Message ↑





Mark Jefferson said a Ron Johnson staffer called asking if there would be a summary of situation—I guess talking points? Have someone call mark

Andrew Hitt is putting out a two sentence statement about why the electors voted, which I thought was perfect

Be there by 1:25

Dec 14, 2020, 10:48 PM

I think we have to fight this.

Doctrine of Laches is the new Logan Act. Sooner rather than later the conservatives better realize that they are up against seasoned professionals when it comes to abusing process to achieve their preferred ends. Wake the F*** up, GOP.



Vicki McKenna

Subject

Text Message



Dec 15, 2020, 8:54 AM



IMG_5248.MOV

drive.google.com

Dec 15, 2020, 10:12 AM

I'll be there about 9:30

Dec 15, 2020, 3:57 PM

Jim just authorized me to tell you, confidentially, that he and Brian will be meeting the President in the Oval Office tomorrow at 3:30 pm, among the 8 people Trump wants to thank personally for their work on the recount.

2:53 PM ✓

We're thinking of inviting Hagedorn on the plane, and solving that problem at high

Subject

Text Message



We're thinking of inviting Hagedorn on the plane, and solving that problem at high altitude, over water...

2:54 PM ✓

Hagedorn apparently will be invited to the White House after Jan. 20. 😏

Please keep this secret, so Brian can be the first to

Dec 15, 2020, 7:01 PM

I assume you got the link for White House.

Oh, thanks — now doing it

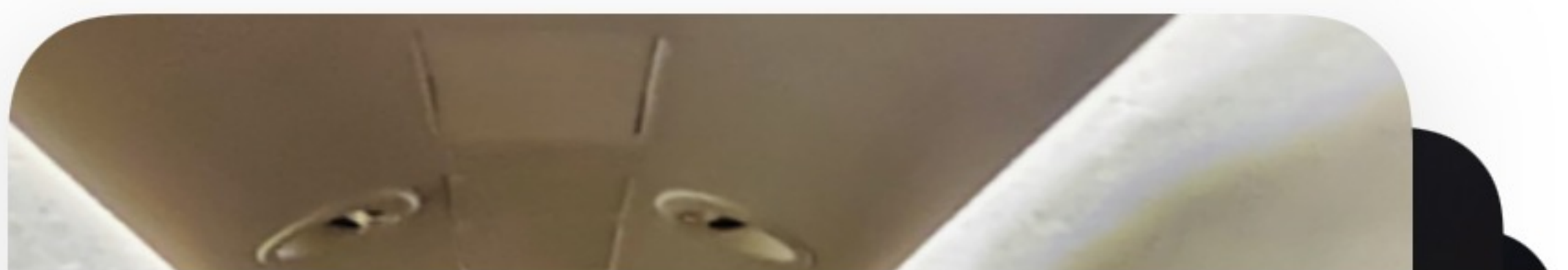
Done

Dec 16, 2020, 5:54 AM

ETA 5:05

I'll be flying back with you!

4 Photos



Subject

Text Message





Sent as Text Message

Dec 19, 2020, 7:15 AM

Wow. Based on 3 days ago, I think we have unique understanding of this.



Subject



Text Message





President Donald Trump Calls For Protest in DC on Jan 6., Says 'Be There, Will Be Wild' @CassandraRules via @gatewaypundit <https://t.co/f7hjcMHi5X>

 **Jim Hoft**
twitter.com

Your interview with Vicki was amazing. Incredibly powerful. A clarion call!!!

Dec 19, 2020, 10:23 AM

Thank you Ken.

Dec 19, 2020, 4:02 PM

Disgusting that info like this would ever leak, whether attorney-client privileged or not.

Subject

Text Message





Trump Discussed Naming Campaign Lawyer as Special Counsel on Election Fraud
nytimes.com

Dec 19, 2020, 6:34 PM

Gross violation of privilege.
Sad.

Dec 20, 2020, 11:09 AM

On Hagedorn, make sure to alert Vicki and Dan and make sure they have someone like Rick Esenberg, or a legal ethics prof, explain how bad this is.

Have contacted Both this AM.

Subject

Text Message



Dec 21, 2020, 9:03 AM

Jim, I need to find a copy of the March 31 order for Rod.



Top Wisconsin Court Sides With Republicans on ID Rules for Absentee Voters
courthousenews.com

I assume I do have it among my files. I will look shortly and try to get it to you.

Maybe Joe or George could find it easier; I just emailed them.

Dec 21, 2020, 1:23 PM

Subject
Text Message

10:37



< 240



Jim >



Dec 21, 2020, 1:23 PM

I have it now if you still need it Ken. Jim T

Oh, please email it to everyone on email chain I just forwarded

Dec 22, 2020, 11:50 AM

Jim, I forgot to list Randy Barnett, of Georgetown

My list would be

Ken Starr

Nelson Lund

Steve Calabria

Calabresi

John Yoo

Randy Barnett

Einer Elhauge

Dec 22, 2020, 4:30 PM

Subject

Text Message





Dec 22, 2020, 4:30 PM

Hi, any call at 4 central or later today

?

Dec 29, 2020, 9:49 AM

Just sent draft

Maybe send to Rudy and wider list, so no one can complain

I think we can make 1 pm. Have to finish table of authorities

Put a drop dead time limit of 10:30 am East for any comments, questions or concerns. At that point it is just done regardless. There should be nothing at this point.

You should go to Bock's email to Jenna Lewis and everyone else and send this PDF and say let us know by 11 if any concerns

Subject

Text Message



10:37



< 240



Jim >



You should go to Bock's email to Jenna Lewis and everyone else and send this PDF and say let us know by 11 if any concerns

Or i can do that

I will send to Bruce, Bill and The professor and let them circulate as they would like.

Oh, yeah—put it on Bruce

Us sending it wider would imply others have right to tell us what to do. Which they don't

Is there a word count/certification? Bock says he is "over" the word count.

We're at least 8,445. Limit is 9,000

We're at 8,445 I meant

Exactly

Subject

Text Message



10:37



< 240



Jim >



Exactly

I did not think it was an issue.

Dec 29, 2020, 1:55 PM

We need to get it filed today Ken. We are now pushing the deadline.

Dec 29, 2020, 3:00 PM

Just sent it

Can be electronically filed now

Dec 30, 2020, 7:41 AM

This is good at showing some of the dynamics around the President, and why I think he puts so much trust in you. He must be self aware that he has a weakness for overly loyal "yes" men. He knows you're loyal, and fighting hard, but respects that you set limits and

Subject

Text Message



loyal, and fighting hard, but respects that you set limits and don't sugarcoat anything. And you don't need a job.



The Full(est Possible) Story of the Four Seasons Total Landscaping Press Event

nymag.com

“The president’s narcissism cripples him in these moments,” the adviser added, “because as long as people are telling him what they think he wants to hear, it’s a struggle for him to abandon hope. He’s just such a curiously wounded narcissist. If Rudy tells him, ‘We’re gonna destroy all the norms and burn it down and make sure you get reinstated, the president goes, ‘Great!’” The truth, the adviser said, took longer for him to process, and it required whoever uttered it to approach Trump as if he were a wild animal. “When people would bring him bad news, he would blow up, and they would sort of back out of the room.” The trick, the adviser said, is “don’t hit him immediately

Subject

Text Message





Jim >

would sort of back out of the room.” The trick, the adviser said, is “don’t hit him immediately with something he can react emotionally to” and “don’t appear intimidated.”

A second person familiar with the legal team said Giuliani was put in charge because “the president wanted a peer and a fighter. He wanted somebody that he can relate to.” This person described competing power centers, with the litigators and other serious people on the one side, who realized almost immediately that the president had no legitimate pathway to change the election results, and the conspiracy theorists and crazy people, led by Giuliani, on the other side. The second group won, even after multiple interventions staged by lawyers and family members and other advisers. As usual, Trump was unwilling to let go of the people he perceived to be fighting the hardest for him in public. Which wasn’t a surprise, of course, though it still managed to disappoint the optimists (or idiots, depending on your view) still working for the president with hopes that, after all this time, he might change well-

helped convince of his own legal team never bought the idea, for instance, that Sidney Powell had really been removed as one of the president’s representatives, even though the campaign had put out a statement to that effect. What came out of the president’s mouth, and through his Twitter feed, seemed a reflection of what went into his head via people like Powell, Giuliani, and fellow legal-team member Jenna Ellis. A senior White House official told me that in the vacuum created by

Subject

Text Message



member Jenna Ellis. A senior White House official told me that, in the vacuum created by the absence of officials who might try to reason with the president, Trump spent even more time on the phone, dialing up whomever he saw defending him most rabidly on TV. Sometimes, this official said, the White House switchboard operator wouldn't even know how to contact the person the president wanted to speak to, and this would result in members of the staff being roped in to locate a number for some random pundit from Fox or, increasingly,

Dec 30, 2020, 9:23 AM

Thank you Ken

Dec 30, 2020, 12:05 PM

Jan 6. Do the Senator and Representative objecting to counting Wisconsin need to be from Wi? Once they object, then break for 2 hrs? Can they do that for each State...with 2 hrs for each?

Oral Arguments: if expedited, I will need a serious set of Moot Courts to prepare. Who might we ask who would be willing to

Subject

Text Message





Oral Arguments: if expedited, I will need a serious set of Moot Courts to prepare. Who might we ask who would be willing to participate?

Any Rep and Senator will do

2 hours each state

But biggest problem is no one can speak more than once, for 5 mins!

First confirmed senate objector?

Hawley Statement On Objecting During Electoral College Certification Process on Jan. 6

“Following both the 2004 and 2016 elections, Democrats in Congress objected during the certification of electoral votes in order to raise concerns about election integrity. They were praised by Democratic leadership and the media when they did. And they were entitled to do so. But now those of us concerned about the integrity of this election are entitled to do the same.

“I cannot vote to certify the electoral college results on January 6 without raising the fact that some states, particularly Pennsylvania, failed to follow their own state election laws. And I cannot vote to certify without pointing out the unprecedented effort of mega corporations, including Facebook and Twitter, to interfere in this election, in support of Joe Biden. At the very least, Congress should investigate allegations of voter fraud and adopt measures to secure the integrity of our elections. But Congress has so far failed to act.

“For these reasons, I will follow the same practice Democrat members of Congress have in years past and object during the certification process on January 6 to raise these critical issues.”

Millions of voters concerned about election integrity deserve to be heard. I will object on January 6 on their behalf

Josh Hawley

Subject

Text Message



I've made the following point to Boris — maybe raise with him or Rudy, or Johnson, though it needs to be kept quiet

I hope Hawley, Trump, etc can at minimum get Pence to commit, privately, that in presiding over Senate debate he will let Hawley talk until there are 60 votes for cloture.

I think normal rules of debate apply here, bc senate under the constitution has power to set its own rules

I will send an email on this in like an hour

On oral argument, Randy Barnett of Georgetown would be great. I know him a bit; could reach out

His co-author, Josh Blackman, too

Subject

Text Message



10:37 ↗



< 240



Jim >



Nelson Lund

Of course, Ken Starr

I hope we get the chance.
Nothing from the Court this morning.

Dec 31, 2020, 3:53 PM

Hi, do you plan to be in DC for strategy surrounding the electoral count? If so, and if you want to be at Trump International, which might be a beehive of activity, I have an extra room you can have — made reservations 2 weeks ago, before rates tripled. It'd be on me, though it would be great if you could eventually submit it as an expense, and reimburse.

I would need to know by tomorrow noon what date you would want to arrive. It could be as early as Jan 2

Subject

Text Message





I would need to know by tomorrow noon what date you would want to arrive. It could be as early as Jan. 2.

Happy New Year!

I am not presently intending to come out. Thank you for that kind offer.
Happy New Year. What a year!

Dec 31, 2020, 8:30 PM

Yes! And it's not over yet — who knows what Trump will tweet before it's over' 😜

Jan 3, 2021, 10:28 AM

Urgent — Christina with Sen Graham needs 5 best names of people who voted illegally in WI, like dead people.

Today 10:20 AM

Hi Sir. My name is Christina. I'm an attorney

Subject
Text Message





Jim >



Hi Sir. My name is Christina. I'm an attorney working with Rudy. We need some info on WI. Can you please call me at your earliest convenience. Thank you.

Sure!

Delivered

Her # is 619-977-8100

I will give her your #

I told her about the 2 Biden electors. I will send her our footnote on that and links to O'Donnell stories.

Jan 3, 2021, 1:52 PM

If each State gets one vote in House then Pelosi must take

Subject

Text Message



Jan 3, 2021, 1:52 PM

If each State gets one vote in House, then Pelosi must take Acting and cannot allow a vote because I believe the R's have more States. Am I right?

Yes. Republicans have 26 states

McConnell should not allow a vote either, because Republicans electing Pence would look illegitimate—would seem like Pence froze the process to become acting president instead of Pelosi

Republicans electing Harris would be a horror

McConnell would need to protect his caucus from such a Hobson's choice

Best way for Dems to break impasse would be to get a few

Subject

Text Message





Best way for Dems to break impasse would be to get a few Republican Reps in states with close delegations to abstain, so Dems can win a majority of States that aren't tied, which is how Jefferson beat Burr in 1801

But none of this happens unless Pence freezes the count, or the Continuing Resolution is filibustered

I've been in touch with Eastman and Boris on that last 2 days. I think they briefed the senators

Filibustering states seems impossible unless someone withholds unanimous consent to the Concurrent Resolution that typically is voted Jan 3 to ratify the Electoral Count Act and its debate limitations. That's how current Senate

Subject

Text Message



ratify the Electoral Count Act and its debate limitations. That's how current Senate binds itself to an Act that otherwise can't be binding

Here is the 2017 CR.

S6 CONGRESSIONAL RECORD—SENATE *January 3, 2017*

Missouri—Claire McCaskill and Roy Blunt
 Montana—Jon Tester and Steve Daines
 Nebraska—Deb Fischer and Ben Sasse
 Nevada—Dean Heller and Catherine Cortez Masto
 New Hampshire—Jeanne Shaheen and Margaret Wood Hassan
 New Jersey—Robert Menendez and Cory A. Booker
 New Mexico—Tom Udall and Martin Heinrich
 New York—Charles E. Schumer and Kirsten E. Gillibrand
 North Carolina—Richard Burr and Thom Tillis
 North Dakota—John Hoeven and Heidi Heitkamp
 Ohio—Sherrod Brown and Rob Portman
 Oklahoma—James M. Inhofe and James Lankford
 Oregon—Ron Wyden and Jeff Merkley
 Pennsylvania—Robert P. Casey, Jr. and Patrick J. Toomey
 Rhode Island—Jack Reed and Sheldon Whitehouse
 South Carolina—Lindsey Graham and Tim Scott
 South Dakota—John Thune and Mike Rounds
 Tennessee—Lamar Alexander and Bob Corker
 Texas—John Cornyn and Ted Cruz
 Utah—Orrin G. Hatch and Mike Lee
 Vermont—Patrick J. Leahy and Bernard Sanders *
 Virginia—Mark R. Warner and Tim Kaine
 Washington—Patty Murray and Maria Cantwell
 West Virginia—Joe Manchin III and Shelley Moore Capito
 Wisconsin—Ron Johnson and Tammy Baldwin
 Wyoming—Michael B. Enzi and John Barrasso

The VICE PRESIDENT. The majority leader.

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 1, submitted earlier today.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution (S. Res. 1) was agreed to, as follows:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT. Pursuant to S. Res. 1, the Chair appoints the Senator from Kentucky, Mr. MCCONNELL, and the Senator from New York, Mr. SCHUMER, as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 2, submitted earlier today.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution (S. Res. 2) was agreed to, as follows:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 3, submitted earlier today.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 3) was agreed to, as follows:

S. RES. 3

Resolved, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 1, submitted earlier today.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows: A concurrent resolution (S. Con. Res. 1) extending the life of the Joint Congressional Committee on Inaugural Ceremonies.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 1) was agreed to, as follows:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the joint committee created by Senate Concurrent Resolution 28 (114th Congress), to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States, is continued with the same power and authority provided for in that resolution.

SEC. 2. USE OF CAPITOL.

Effective from January 3, 2017, the provisions of Senate Concurrent Resolution 29 (114th Congress), to authorize the use of the rotunda and Emancipation Hall of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States are continued with the same power and authority provided for in that resolution.

TO PROVIDE FOR THE COUNTING OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 2, submitted earlier today.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows: A concurrent resolution (S. Con. Res. 2) to provide for the counting on January 6, 2017, of the electoral votes for President and Vice President of the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

CREC-2017-01-03-pt1-PgS6-5
PDF Document · 297 KB
congress.gov

Subject

Text Message






Jim >



FoD

Ted Cruz misreads the history of 1876 in his bid to secure Acting President Nancy Pelosi <https://t.co/WJV4NAu3le>

 **Derek T. Muller**
twitter.com



Sen. Cruz: Members of Congress Have a 'Third Option'

Subject

Text Message



Sen. Cruz: Members of Congress Have a 'Third Option' When It Comes to Certifying the Election
townhall.com

Jan 3, 2021, 5:08 PM



Ex-GOP Speaker Ryan denounces effort to challenge Electoral College results
thehill.com

RHINO—sad



Subject
Text Message ↑

So, who will get to write "1600 Pennsylvania Avenue" as their return address come January 20? I suspect that the answer is not as straightforward as you may have been led to believe.
<https://t.co/7ygyLaPYsP>

 **Roger Kimball**
twitter.com

Jan 3, 2021, 9:31 PM



Congress adopts rules governing Jan. 6 Electoral College count

politico.com

Does this change anything we

Subject

Text Message



Does this change anything we discussed earlier?

Can't stop Pence from claiming the power to count the votes, unilaterally force delay (eg, by refusing to open envelopes).

Makes it hard force Pence to allow for unlimited debate in the senate. I assume the Continuing Resolution, once adopted by the Senate, modified the usual filibuster rules.

Jan 4, 2021, 8:55 AM

Clearly, a filibuster of the states would be a more serious remedy than proposing a Commission that won't be adopted, so I agree that that can be viewed as a dodge.



Subject

Text Message





Proposing a commission at this late date – which has zero chance of becoming reality – is not effectively fighting for President Trump.

It appears to be more of a political dodge than an effective remedy.

<https://t.co/4bIT1J36cL>



Lindsey Graham

twitter.com

But it might be politically more effective than a filibuster, which might be viewed as a useless delay tactic. Forcing Dems to vote against transparency might be the best strategy of Pence has decided to be inert — no chance of winning in that event, anyway.

Possibly the Concurrent Resolution can be read as merely related to scheduling

Subject

Text Message






Jim >



Possibly the Concurrent Resolution can be read as merely related to scheduling, and overall procedure, for the joint session itself, and as not amending the normal Senate rules. Maybe it merely indicates an intent to follow the Act. Maybe Pence can let a senator talk as long as he wants, ruling the Act on its own does not displace Rule 22, and only the a "nuclear option" could eliminate the filibuster in this context — so we get at least 32 hours of debate on


... each state!

U.S. Senate: History Briefing: Filibuster and Cloture 

senate.gov

Even if this is a stretch, if Pence made this ruling, then it would at least force all Dems and the turncoat Republicans to vote to

Subject

Text Message 



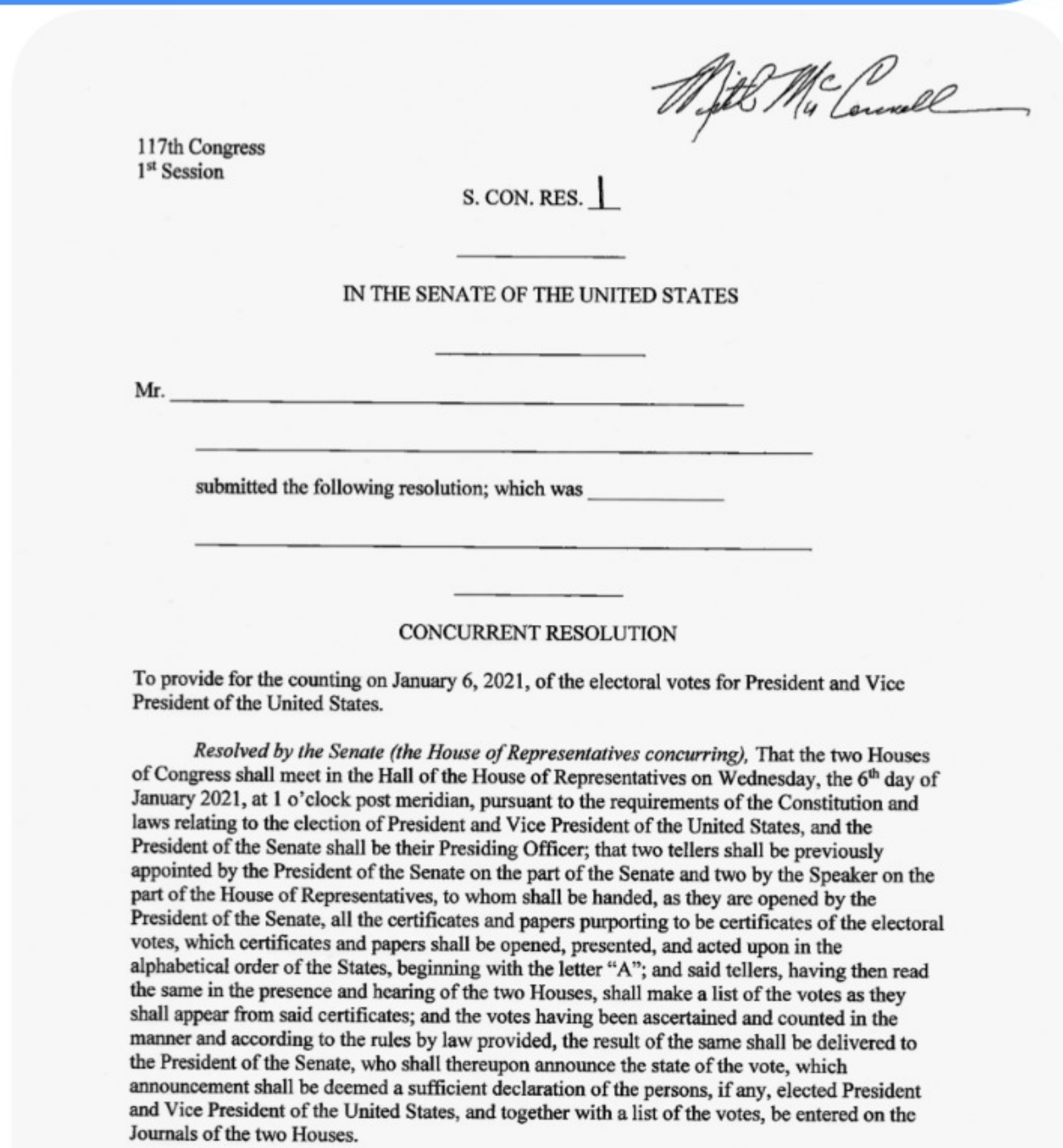


Jim >



at least force all Dems and the turncoat Republicans to vote to impose the 2-hour debate limit. So far they've gotten off easy, with a Concurrent Resolution passed by unanimous consent.

If Pence, in the Senate, will first do this, forcing the other side to vote to limit debate at ridiculous levels, and then let Cruz make a motion to create the Commission, the combined effect of showing that the other side is trying to hide the facts from the American people could be considerable.



Subject

Text Message





f

PDF Document · 39 KB
politico.com

Chris Van Hollen is on CNN saying on Wednesday Dems will raise Trump Georgia call. Maybe move to censure Trump. Any Improproprietary in that call is irrelevant to objecting to an electoral slate. If Dems do raise this in a debate, they'll depart from the Act's narrow constraints. Maybe Pence could take the view that this opens the door to unlimited debate on Georgia. President's defenders will need hours to show why the president was so frustrated on that call — because they cheered in half a dozen ways, each enough to account for them election result, yet officials have swept it under the rug, and courts have refused to review!

Subject

Text Message





Turley on Fox.

Prof. Dorf on Pence.



The Stakes on January 6
verdict.justia.com

statute that Congress has followed since the nineteenth century, the Constitution thereby assigns to the Vice President not only the ministerial task of opening the certificates but also the substantive power to rule on the

Subject

Text Message





ministerial task of opening the certificates but also the substantive power to rule on the validity of each slate—even though, as is true this year, the sitting Vice President will often be a candidate. Indeed, the sitting Vice President has been a candidate either for re-election or for the Presidency in all but four of the last sixteen presidential elections.

Should Pence attempt to assert a constitutional power to be the judge in his own case, presumably a majority of senators will overrule him, but the very fact that the assertion is even a possibility worth discussing shows how far down the road to destruction of the American republic Trump

Ron Johnson on Fox next

Jan 4, 2021, 11:50 AM

Eric has a point.

F) Trump saw that there is actually an obvious conspiracy against him which is true. And inferred that it extends to the general election.

G) Trump simply doesn't have

Subject

Text Message





Jim >



G) Trump simply doesn't have the goods on this allegedly stolen election. He is in search mode. It's more of a gut thing.



Eric Weinstein

twitter.com

Jan 4, 2021, 7:42 PM

Giuliani on the Charlie Kirk podcast: not a great start is because Giuliani repeating the fiction that Jefferson "he selected himself president," which isn't true for several reasons. Jefferson did not say "I make the decision," as the tellers in Congress ratified the results.



Derek T. Muller

twitter.com

Jan 4, 2021, 9:46 PM



Subject

Text Message



Jan 4, 2021, 9:46 PM



Georgia State Senators Call on Pence to Delay Jan. 6 Electoral Vote

theepochtimes.com

Jan 5, 2021, 10:18 AM

The antepenultimate & penultimate paragraphs include material misreadings of the Twelfth Amendment & 3 U.S.C. § 16. <https://t.co/3WhzvLN9SY>



Derek T. Muller

twitter.com

Jan 5, 2021, 4:58 PM

Subject

Text Message





Jim >



Jan 5, 2021, 4:58 PM

FoD

Four distinct paths for congressional Republicans in counting electoral votes
<https://t.co/lvOceu2H8o>



Derek T. Muller

twitter.com

Jan 6, 2021, 11:45 AM

Just listened to you on Vicki's show Monday

Brilliant summary of what could

Subject

Text Message





Brilliant summary of what could happen, and Jan 20 not being a deadline.

Center of the storm, for sure.

One quibble: even if Pelosi first were acting president, I think if a VP is elected, that person would become acting president.

I have been on phone w Mike Roman and Senator Johnson and Johnson's COS to get an original copy of Wi slate to VP. Not sure if u are involved but call Mike to make sure he gets what he needs. Thanks. Jim

Mike had me drop off 2 originals yesterday at 4, to a Rep. Kelly aid, who walked it over to Senate Parliamentarian.

I was with Mike's top guy, Michael Brown.

Subject

Text Message





Excellent. Tomorrow let's talk about SCOTUS strategy going forward. Enjoy the history you have made possible today.

Trump sounds so forceful that maybe Pence has actually agreed to do something at least like not opening the envelopes until a Commission investigates. We'll see soon.

Sent as Text Message

Johnson cannot give the certificate we got to him to the VP because it is not sealed. Someone opened it!

We have been informed the VP cannot accept any unsealed mail and I cannot hand it to him.

THAT HIS NOTE

Mine was sealed

So was the Michigan one



Subject

Text Message



So was the Michigan one

The ones delivered by Kelly's aide to Senate Parliamentarian yesterday, from mi and wi, were sealed

This could be an excuse for delay

I gather this is about one delivered today.

To Johnson

Some of the envelopes sent by registered mail to senate President didn't timely arrive

Bc registered mail is slow

Ones in mi stayed there 2 weeks

Watching now. Is anyone objecting to Arizona

Did it

Subject

Text Message



Did it

We did it as required by statute

If us mail messed up, that's an excuse For delay

Archivist illegally is refusing to release originals to pence

You got Arizona. Well done Ken!

History is made!



Handing with Alex Jones

Subject

Text Message



Hanging with Alex Jones

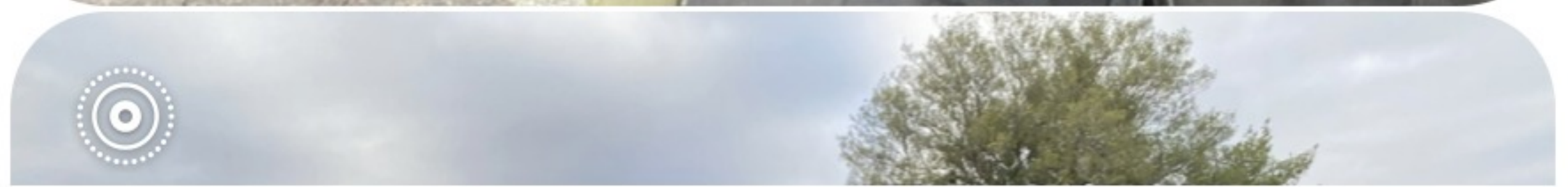
Sent as Text Message

Lol

Sent as Text Message

I told him to put you on his show

Sent as Text Message



Subject

Text Message





Tear gas in the Capitol

Jan 6, 2021, 4:02 PM

I caught a wife

Wiff

Lol

Jan 7, 2021, 6:14 AM



Subject

Text Message





"They're Being Told to Stay Away From Trump": After a Day of Violence and 25th Amendment Chatter, Trump's...
 vanityfair.com

This is encouraging

TRUMP. 🚫 🚫

President Trump issues a statement for the peaceful transition of power to the Biden administration.

"Even though I totally disagree with the outcome of the election, and the facts bear me out, nevertheless there will be an orderly transition on January 20th." 1/2

Subject

Text Message ↑



**Kyle Becker**

twitter.com

Jan 7, 2021, 8:11 AM

Maybe they'll all in hiding, but it'd be nice if Trump surrogates get across that without antifa's role in the actual breaking in, plus Capitol security (totally controlled by Pelosi and McConnell) the scene at the Capitol would have been entirely peaceful. And that Trump could not reasonably foresee this.

I think the President can put this behind him if he invites Biden and Harris over for coffee on inauguration morning, and attends the (virtual) inauguration. If he boycotts, it feeds the idea that he's a breaker of all norms.

He could lighten it up with a couple of well-placed jokes

Subject

Text Message



10:40 ↗



< 240



Jim >



He could lighten it up with a couple of well-placed jokes. Like he wants to make sure Joe feels comfortable calling him for advice in the challenging days ahead. Or we invited Joe over for coffee bc he wants to be sure Joe invites him four years from now.

Jan 7, 2021, 9:26 AM

Did any Wisconsin folks ever speak in the legislative debates?

I don't know. Very little of the debate was covered, even on Fox — covered riot instead.

I think it was stupid to have a rally on Jan. 6. Original plan was Jan. 5, right? Would have been perfect to have a Jan. 5 rally, then told people to go home, so focus would be on debate in Congress.

Subject

Text Message



10:40 ↗



< 240



Jim >



Yes originally 5th

Jan 7, 2021, 12:14 PM

I think Pence is a lot to blame for this fiasco. He had top-flight advice available to him more than a month ago, from his general counsel, a former O'Melveny partner, who said he'd already studied the historical record of what the President of the Senate had done on every objection. I sketched what we had in mind for alternate electors, with Pence not opening envelopes. I detected no enthusiasm for any deviation from the ECA. I now think Pence had decided by then not to do anything to press the envelope or create a test case, but decided not to be straight with the president. If he had been up front, Trump would have known he had no chance to win other than win in

Subject

Text Message





Jim >



would have known he had no chance to win other than win in the courts or state legislatures before Jan. 6. If I'm right, Pence gave him false hope. He allowed Trump to hear of valid legal theories from Rudy and Eastman which gave him hope, which was crushed when Pence suddenly crushed them at the end. Why did Pence do this? To stall until Georgia runoff was done? If you agree, maybe there should be an effort to criticize Pence for deceitful conduct that led to this chaos. At least Trump was always up front about how he saw things.

On pathetic security:



Subject

Text Message





U.S. Capitol Now More Vulnerable As a Result of Wednesday's Mob Attack, Former DHS...

[defenseone.com](https://www.defenseone.com)

Jan 8, 2021, 5:22 PM

Jim, it occurs to me that the events of the last 2 days open up legal options in the States for winning rulings favorable to Trump. Laches can no longer be a reason to avoid the merits, because no voters can be disenfranchised by ruling fir Trump, bc Biden has been elected President. Yet claims aren't moot, both because Trump might run again and

Subject

Text Message





aren't moot, both because Trump might run again and under the "capable of repetition yet evading review" doctrine. Trump also has a concrete stake bc he's being threatened with prosecution for pushing "baseless" claims; he needs judicial review to prove he was legit. These changed circumstances may call for rehearing petitions, in WI and PA.

Another tactic would be Sect. 1983 lawsuits in federal court against the clerks claiming their actions violated Trump's rights under Art. 2, and seeking nominal damages.

Jan 8, 2021, 9:41 PM

Thanks. I am to have a discussion w folks Monday AM

Jan 9, 2021, 6:17 AM

Subject

Text Message





Jim >



Jan 9, 2021, 6:17 AM

FYI:



I got an even worse review;
seems libelous.



Subject

Text Message ↑





Jim >



**Kenneth J. Chesebro -
Lawyer working to
supress legally cast
votes**

unamericanbar.com



WE VOTED



**R. George Burnett -
Lawyer working to
supress legally cast
votes**

unamericanbar.com

Of course we had nothing to do with the Federal case cited here. Not sure if telling this

Subject

Text Message





Of course we had nothing to do with the Federal case cited here. Not sure if telling this website that would do any good.

I generally ignore these things. Let dead dogs lie.

Jan 9, 2021, 10:20 AM

Yeah

Jan 10, 2021, 12:17 PM

Jim, in their Jan 6 speech to the crowd, Rudy and Eastman said they had letters from 5 state legislatures asking to be able to review and vote on the electoral votes. We should press to have the judiciary committees do reports saying the state statutes were violated and that the majority of lawful votes went to Trump — and that in light of this, statutory

Subject

Text Message





Jim >



that in light of this, statutory changes guaranteeing rapid review on the merits (no laches doctrine), and tightening up on absentee ballots, must be made.

We need to defeat this narrative — as dangerous than Nazi propaganda:



Not something I thought I'd say, but stop whatever you are doing and watch Arnold Swarzenegger's astonishing & deeply personal statement. <https://t.co/aTsyoWP21Z>



Noga Tarnopolsky

twitter.com

Subject

Text Message





Jan 10, 2021, 8:20 PM

He has it exactly backwards. The identification of those who are "Trump people", the encouragement to cancel them and their businesses, the coordinating of decertification from all social media is from the left. I hope this does not end badly, but our side just does not get it.

Jan 12, 2021, 10:28 PM

This should not have been left to the last minute. Should have been resolved, either way, weeks ago. I suspect Pence planned this long before but didn't have the guts to tell Trump.

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... lar at Chapman University, wa
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Subject

Text Message






Jim >



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hours before the vote, Richard
wyer, called J. Michael Luttig,
d by conservatives — and for w
clerked. Mr. Luttig agreed to q
vice president had no power t
ed it on Twitter.
c. Pence's staff incorporated Mr
m by name, into a letter annou
n not to try to block electors. R
said it was "the highest honor
g the Constitution.

Pence looked for legal advice on whether he could upset the election, and John Yoo, Mike Luttig, and Pence's counsel Greg Jacob agreed he had no such power. Only John Eastman disagreed (although was he acting as Trump's lawyer when he made that arg?)
<https://t.co/NWY2NKJxSW>

 **Orin Kerr**
twitter.com

Jan 12, 2021 6:04 PM

Subject

Text Message





Jim >



Jan 13, 2021, 6:04 PM

This was my immediate thought as well .

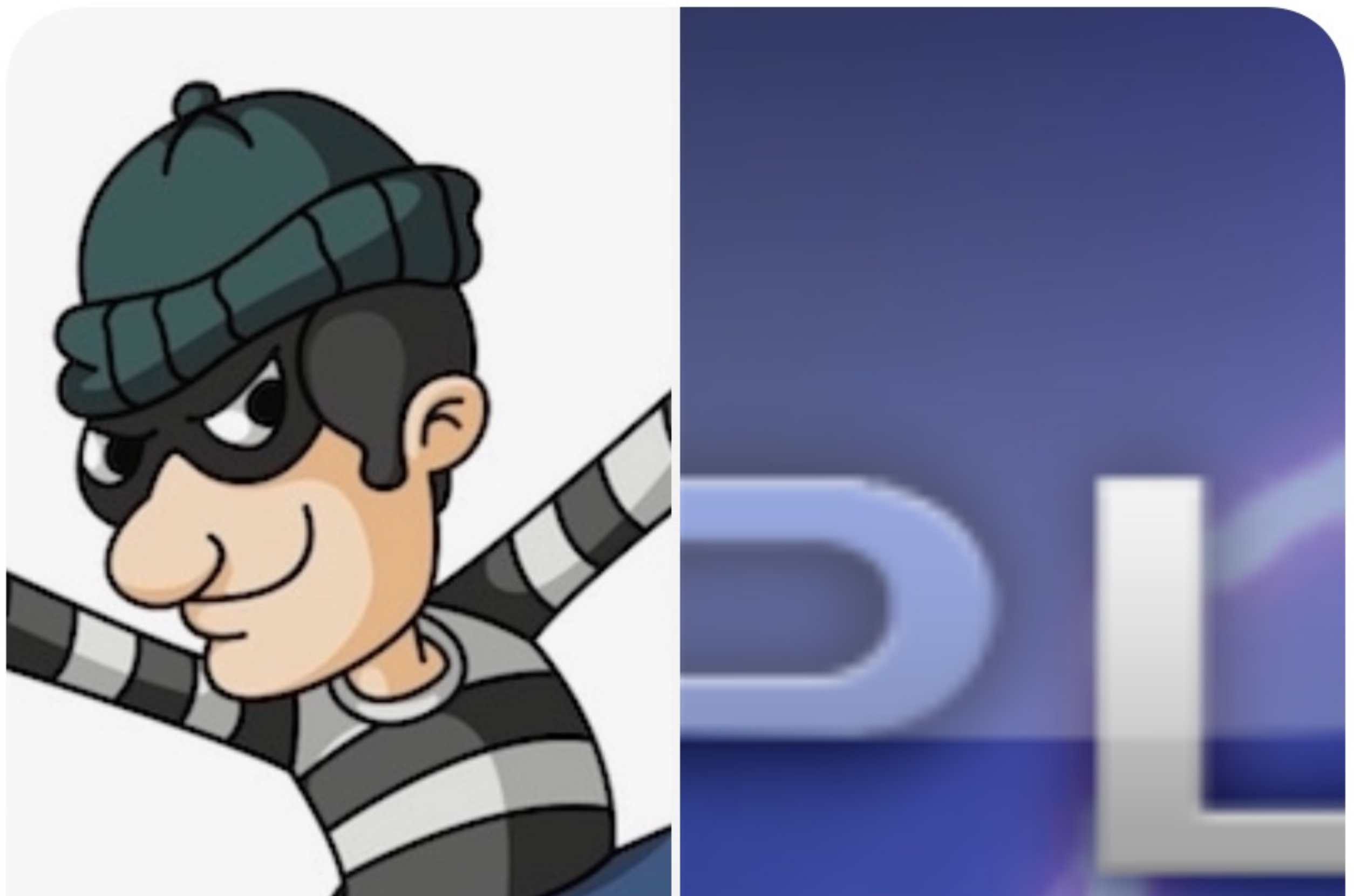
One way to look at today's events is that the House impeached Trump. The other way is that they just handed him the thing he wanted most: a national platform to put election integrity on trial. Senate will be like the Scopes Trial.



Scott Adams

twitter.com

Jan 16, 2021, 11:19 AM



Subject

Text Message





Jim >



Did the Democrats Steal the Presidential Election?

powerlineblog.com

I posted this on my Twitter earlier today.

Jan 20, 2021, 4:36 PM

What an essay!




"Russians & East Germans under Communists Leonid Brezhnev & Erich Honecker in the 1970s lived under less ruling class pressure than do today's Americans. And their rulers were smart enough not to insult them, their country, or their race." Angelo Codevilla
<http://t.co/WFgqLp4DC>

Subject

Text Message





their race." Angelo Codevilla
<https://t.co/oWFeglp4DS>
 **American Greatness**
twitter.com

Jan 21, 2021, 12:24 AM

Superb. Thoughtful

Feb 22, 2021, 10:26 AM

Ken, Will we hear today about Friday's Cert Conference?


Cert. denied. Page 7. https://www.supremecourt.gov/orders/courtorders/022221zor_2cp3.pdf



FILE_5570.pdf

So sorry.

Did any of the Trump cases

Subject
Text Message 



10:40 ↗



< 240



Jim >

Did any of the Trump cases have cert granted?

You're work was incredible Ken. I am honored to have been a part of it.

I am honored you invited me to help at all. Would have been worth it even if we'd gotten no votes and had never met the President — just being on a team with the guts to represent someone with an important case who other lawyers shunned was worth it. I'm glad they authorized the cert. petition, so we were able to compile a record of why the recount and appeal were legitimate.

Read the Thomas, Alito and Gorsuch dissents starting at 22, which apply to our petition as well. We were only one vote short. As usual! 😂

Subject

Text Message



10:40 ↗



< 240



Jim >

It does not appear they denied cert in the federal action?

Scheduled for March 5, so presumably will be denied March 8.